

AMENDED IN ASSEMBLY MAY 2, 2013  
AMENDED IN ASSEMBLY APRIL 22, 2013  
AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 968**

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**Introduced by Assembly Member Gordon**

February 22, 2013

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An act to add Section 5126 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as amended, Gordon. Common interest developments: elections.

The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. These provisions require that a common interest development be managed by an association and that elections related to the governance or administration of the common interest development conform to specified requirements.

This bill would, notwithstanding the election requirements referenced above, authorize a common interest development with not more than 15 separate interests to conduct an election of directors pursuant to other specified requirements if a majority of the members of the common interest development agree to conduct elections under these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5126 is added to the Civil Code, to read:  
2     5126. (a) Notwithstanding Sections 5110, 5115, 5120, and  
3     5125, a common interest development with not more than 15  
4     separate interests may conduct an election of directors pursuant  
5     to this section. However, in order for a common interest  
6     development to conduct its *subsequent* elections pursuant to this  
7     section, it shall first hold an election, pursuant to the procedures  
8     set forth in Sections 5110, 5115, 5120, and 5125, in which its  
9     members, by simple majority vote, agree to conduct its elections  
10    of directors under the provisions of this section.  
11    (b) An election of directors conducted pursuant to this section  
12    shall meet all of the following requirements:  
13    (1) Notice of the election shall be provided to each member at  
14    least 30 days before the meeting at which the election is held. The  
15    notice shall provide both the following:  
16    (A) The time and place at which the meeting will be held.  
17    (B) The matters that will be decided in the election.  
18    (2) The election shall be held at a meeting of the members at  
19    which a quorum is present. If the governing documents permit the  
20    use of a proxy, a proxy may be counted in determining the quorum.  
21    (3) A candidate for elected office may be nominated prior to  
22    the election or at the meeting at which the election is held.  
23    (4) Votes shall be cast by secret written ballot, except as may  
24    be necessary to cast a ballot pursuant to a proxy.  
25    (5) A vote may be cast for a write-in candidate.  
26    (6) After all of the members present have had an opportunity  
27    to vote, the ballots shall be counted openly, at the meeting at which  
28    they were cast. The vote totals and results of the election shall be  
29    announced at the meeting.  
30    (7) If a vote to elect a director results in a tie, and a quorum is  
31    still present when the tie is announced, the members present at the  
32    meeting may act immediately to attempt to break the tie. Unless  
33    the governing documents provide another method, a runoff election  
34    between the tied candidates shall be used to attempt to break the  
35    tie.

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